

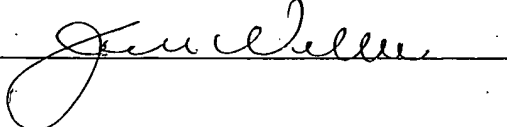
1/Fw

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on August 25, 2005.

PATENT

Attorney Docket No. 21983-1

TOWNSEND and TOWNSEND and CREW LLP

By: 

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:

JERRY M. HOOVER

Application No. 10/717,724

Filed: November 19, 2003

For: HOE

Customer No. 20350

Confirmation No. 8688

Examiner: Robert C. Watson

Technology Center/Art Unit: 3723

AMENDMENT

San Francisco, CA 94111

August 25, 2005

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

As a precautionary measure, applicant requests an extension of time, if needed and if not separately attached hereto, and authorizes the Commissioner to charge the fee therefor to our deposit account in accordance with our standing authorization for such charges.

In response to the restriction requirement dated August 12, 2005, applicant herewith elects with traverse the further prosecution of claim Group I, that is, of product claims 1-4.

Restriction was required because "instead of pulling on the handle to remove a weed the user could employ a process whereby the handle is rotated to rock on the base to fulcrum the weed from the ground". Applicant submits that this is neither practical nor an effective and meaningful use of the tool of this invention.

Application No. 10/717,724  
Amendment  
Reply to Office Action of August 12, 2005

PATENT

Alternatively, the restriction requirement was based on the observation that a user "could use the device as a cutting instrument to cut a weed between the V-shaped groove". It is not seen how this is a realistic use of the tool, since the tool is not adapted to cut the weed in a V-shaped groove.

In view of the foregoing, applicant requests that the restriction requirement be retracted and that all pending claims 1-5 be examined.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at (415) 576-0200.

Respectfully submitted,



J. Georg Seka  
Reg. No. 24,491

TOWNSEND and TOWNSEND and CREW LLP  
Two Embarcadero Center, 8<sup>th</sup> Floor  
San Francisco, California 94111-3834  
Tel: (415) 576-0200  
Fax: (415) 576-0300  
JGS:jhw  
60571929 v1